

Senator Gooch of the 51st offered the following amendment:

**ADOPTED**

1 *Amend the House Substitute to SB 2 (LC 36 4028ERS) by deleting lines 8 and 9 and inserting*  
2 *in lieu thereof the following:*

3 electricity services activities; to authorize the Public Service Commission to have jurisdiction  
4 over compliance with the cross-subsidization prohibitions and to provide for expedited  
5 adjudication of any complaints related thereto; to provide

6 *By inserting "to provide for applicability;" after "corporations;" on line 11.*

7 *By inserting "poles," between "access to the" and "ducts" on line 143.*

8 *By deleting lines 166 through 184 and inserting in lieu thereof the following:*

9 *(5) Develop and maintain a cost allocation manual, to be approved by the commission,*  
10 *describing the electric membership corporation's methods of cost allocation and such*  
11 *other information and policies reasonably required to ensure compliance with this article.*  
12 *Such manual shall:*

13 *(A) Establish rules for the pricing of transactions between an electric membership*  
14 *corporation and its gas affiliates and broadband affiliates, as applicable, including the*  
15 *transfer of assets between such electric membership corporation and its gas affiliates*  
16 *and broadband affiliates;*

17 *(B) Require the electric membership corporation and its gas affiliates and broadband*  
18 *affiliates, as applicable, to maintain separate books of accounts and records which shall*  
19 *be subject to inspection to confirm compliance with this article and the cost allocation*  
20 *manual; and*

21 *(C) Require that all services that an electric membership corporation provides to its gas*  
22 *affiliates and broadband affiliates, as applicable, be provided at the same rates and on*  
23 *the same terms and conditions as any other similarly situated retail customer or*  
24 *communications service provider. Any such services provided to any communications*  
25 *service provider shall be on a strictly confidential basis, such that the electric*  
26 *membership corporation does not share information regarding any communications*  
27 *service provider with any other communications service provider, including a*  
28 *broadband affiliate.*

29       (c) The commission shall have jurisdiction over each broadband affiliate and each electric  
30       membership corporation that has a broadband affiliate that provides retail broadband  
31       services to enforce compliance within the provisions of this Code section. The commission  
32       shall provide for an expedited adjudication of any complaint as to a failure to comply with  
33       this Code section and may engage an administrative law judge for purposes of such  
34       adjudication.

35       (d) Except as provided in subsection (e) of this Code section, this Code section shall only  
36       apply to electric membership corporations with a broadband affiliate offering retail  
37       broadband services.

38       (e) As to an electric membership corporation that was offering retail broadband services  
39       on or before January 1, 2019, whether directly through the electric membership corporation  
40       or indirectly through a broadband affiliate, this Code section shall only apply to retail  
41       broadband services offered on or after January 1, 2021, and such electric membership  
42       corporation shall have until January 1, 2021, to develop and maintain the cost allocation  
43       manual required in paragraph (5) of subsection (b) of this Code section.

44       *By deleting lines 185 through 234.*

45       *By deleting "46-3-200.4." on line 235 and inserting in lieu thereof "46-3-200.3."*

46       *By deleting "46-3-200.5." on line 242 and inserting in lieu thereof "46-3-200.4."*

47       *By deleting "(A)" on line 263 and inserting in lieu thereof "(1)".*

48       *By deleting "(B)" on line 265 and inserting in lieu thereof "(2)".*

49       *By deleting "persons" on line 278 and inserting in lieu thereof "electric membership*  
50       *corporations".*

51       *By deleting lines 291 and 292 and inserting in lieu thereof the following:*

52        (b) Subject to compliance with any express prohibitions in an electric easement, the owner  
53        of an electric easement may use an electric easement